

BILL NO. 35 2008
AN ORDINANCE

AN ORDINANCE AMENDING THE CITY OF READING CODE OF ORDINANCES CHAPTER 21 - STREETS AND SIDEWALKS BY INCREASING FEES AND MAKING CORRECTIONS.

THEREFORE THE CITY OF READING HEREBY ORDAINS AS FOLLOWS:

SECTION 1. Amending the City of Reading Code of Ordinances Chapter 21 Streets and Sidewalks by increasing fees and making corrections, as stated in Exhibit A attached.

SECTION 2. This ordinance shall be effective ten (10) days after its adoption and approval by the Mayor, or re-passage by City Council over the Mayor's veto, in accordance with Section 219 of the City of Reading Home Rule Charter, or as set forth in Section 221 of the City of Reading Home Rule Charter.

Enacted April 28, 2008

[Signature]
President of Council

Attest:

[Signature]
City Clerk
(Public Works Engineering & Council Staff)

Submitted to Mayor: [Signature]

Date: 4-29-08

Received by the Mayor's Office: [Signature]

Date: 4-29-08

Approved by Mayor: [Signature]

Date: 4/29/08

Vetoed by Mayor: _____

Date: _____

I, LINDA A. KELLEHER, City Clerk of the City of Reading, Pa., do hereby certify, that the foregoing is a true and correct copy of the original Ordinance passed by the Council of the City of Reading, on the 28 day of April, A. D. 20 08. Witness my hand and seal of the said City this 29 day of April, A. D. 20 08.

[Signature]
CITY CLERK

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PART 1

LEVYING SPECIAL ASSESSMENTS FOR PUBLIC WORKS PROJECTS

§21-101. Findings and Purpose.

1. **Findings.** The City of Reading has determined that there is a need for a funding mechanism to install and rehabilitate City streets, sidewalks; curbs, sewers, lights, water mains and alleys. A fair and equitable means to recover the costs of public works improvements by the City using its police powers to levy special assessments.

2. **Purpose.** It is declared to be the purpose of this Part to establish procedures and guidelines for levying special assessments against benefitted properties for the construction of public works improvements using the City's police powers as established by State law. (*Ord. 18-1998, 5/26/1998, §1*)

§21-102. Levy of Assessments.

Cost of installing or constructing any public work or improvement by the City may be charged under this Section in whole or in part to the property benefitted by such work or improvement and the Council may make an assessment against such benefitted property in the manner provided herein.

(*Ord. 18-1998, 5/26/1998, §1*)

§21-103. Qualified Costs.

1. Cost of any work or improvement to be paid in whole or in part by special assessment on property may include the direct and indirect cost, interest on bonds, a reasonable charge for services of administrative staff of the City and the cost of engineering and legal services and any other terms of direct or indirect costs which may be reasonably attributed to the proposed work or improvement. The amount to be assessed against all property for any such proposed work or improvement shall be apportioned among the individual parcels in the manner designated by the City Council.
2. The amount assessed against any property for any work or improvement which does not represent an exercise of the police power shall not exceed the value of the benefits accruing to the property and for those representing an exercise of police power, the assessment shall be upon a reasonable basis as determined by City Council. (*Ord. 18-1998, 5/26/1998, §1*)

§21-104. Purpose for Levying an Assessment.

1. If the City determines that a proposed public works improvement must be performed for the health, safety and welfare of the public, the City shall have the power to levy special assessments to benefitted properties for the improvements and services provided. The City shall include the proposed project in the upcoming year's annual budget and capital improvement plan. The City may not proceed with the project engineering until after the budget and capital improvement plan is approved by the Council.
2. The City may levy a special assessment for public works improvement if a simple majority of benefitted property owner's petition the City to perform a public improvement. This shall apply to streets, sidewalks, curbs, private alleys, street lights, water mains and sewers.
3. For an alley improvement project to be included in the next budget year, the request must be submitted to the City Clerk by July 1 prior to the budget year. The alley projects shall be prioritized with other City projects and will be the City's sole discretion to determine scheduling for such an improvement. (*Ord. 18-1998, 5/26/1998, §1*)

§21-105. Director of Public Works Report.

The Director of Public Works report shall consist of the following:

- A. A copy of the preliminary or final plans and specifications of the proposed work or improvement.
- B. An estimate of the entire cost of the proposed work or improvement or the actual cost based on contracts awarded.

C. A report that itemizes the estimated special assessment levy for each benefited property. (Ord. 18-1998, 5/26/1998, §1)

§21-106. Public Hearing.

1. The City shall hold a public hearing prior to taking action on an ordinance levying the special assessment. The Director of Public Works shall present the director of Public Works report to Council at the public hearing outlining all costs and applicable assessments.

2. Once the Director of Public Works has completed the Director of Public Works report and it is filed with the City Clerk, the Clerk shall set a hearing date. To give notice of the scheduled hearing, the Clerk shall publish in the official newspaper a notice that must contain:

A. A statement containing the nature of the proposed work or improvement.

B. A description of the general boundary lines of the proposed area to be assessed.

C. The time and place where the report can be inspected and cost.

D. The time and place at which interested parties, their agents or attorneys may appear to be heard concerning the proposed project.

3. Copy of the notice shall be mailed to every interested person whose post office address is known or can be ascertained with reasonable diligence at least 10 days prior to the hearing date. This includes all benefitted properties.

(Ord. 18-1998, 5/26/1998, §1; as amended by Ord. 14-2001, 5/29/2001)

§21-107. Assessment Ordinance.

1. After the hearing, Council may approve, disapprove or modify the Director of Public Works report. After all modifications are complete, Council will by ordinance approve the plans and specifications contained in the report and authorize the following:

A. A direction that the public work or improvement shall be performed and special assessments shall be levied as indicated in the report or as modified after the public hearing.

B. The number and terms of any installment payments allowed, including number of installments, interest rates and when payments are due.

C. Provisions for collection of the assessment and any penalties to be imposed for failure to timely pay the assessment for any installment.

D. A statement that all assessments or installments if permitted which are not paid by the date specified shall be extended on the tax role as a delinquent tax and collected in the same manner as delinquent real estate taxes.

E. Terms and conditions of any allowed deferral of any assessment while no use are made of the improvement being financed thereby.

2. The ordinance shall be published in the official City newspaper and mailed to each affected person whose address is known or can be ascertained with reasonable diligence. (*Ord. 18-1998, 5/26/1998, §1*)

§21-108. Cost Estimates.

1. The Director of Public Works will determine the special assessment for each benefiting property. Costs shall be determined either by Engineer's estimate or by receiving actual bids depending on the situation. The actual assessment levy by final ordinance of the Council shall establish maximum assessment amounts to each individual property. If actual construction costs are less, the actual assessment may be less.

2. The actual cost of any project after completion or after receipt of bids is found to vary materially from the Engineer's estimates, the Council may reopen the special assessment.

3. When an assessment is to be reopened, notice similar to the original notice must be given and a public hearing conducted. After the hearing, the Council must pass an ordinance amending, confirming or canceling the prior assessment. The ordinance must be advertised once in official City newspaper and mailed to all interested persons in the same manner as the original final ordinance. (*Ord. 18-1998, 5/26/1998, §1; as amended by Ord. 14-2001, 5/29/2001*)

§21-109. Lots Already Served.

A parcel of lots which has been levied a special assessment for a similar public works improvement upon which it abuts, shall be entitled to an exemption from levying of a special assessment. Council may allow such an exemption from special assessment if it has been previously installed and services the property. (*Ord. 18-1998, 5/26/1998, §1*)

§21-110. Corner Parcels.

1. For street improvement projects, when the special assessment are determined on a front foot basis and a corner parcel abuts the improvement, the assessment against the parcel shall be determined by applying a full per foot assessment rate along the abutting side.

When the improvement is installed abutting both the long frontage side and the short frontage side of the corner parcel, the assessment shall be determined by multiplying the full per foot assessment rate times the sum of the frontage of the short side plus the frontage of the long side less a deduction equal to 50 times the full per foot assessment.

2. For storm sewers, sanitary sewers and water mains, if a corner property abuts the improvement, but it cannot be connected to the main, then the property

should be exempt from paying assessment. If the property will benefit from the improvement, then they shall pay an assessment, even if the property has been or will be assessed for as similar improvement on the other frontage.

(Ord. 18-1998, 5/26/1998, §1)

§21-111. Double Frontage Parcels.

1. When a special assessments are determined on a front foot basis and an improvement is installed along a frontage of a parcel which runs through an entire block and has frontage on two different streets or public rights-of-way and the Council, after investigation and report by the Director of Community Development, determines that under the provisions of the Zoning Ordinance [Chapter 27] it is possible to divide the parcel into two parcels on fronting on each street, the parcels shall be subject to an assessment for each frontage when the improvement abutting the frontage is installed. In such cases, the second assessment against such parcels shall be determined and treated as separate assessments.

2. If such parcel cannot be divided to create two parcels there shall be no assessment for the same benefit for the same type of improvement installed abutting the second frontage. (Ord. 18-1998, 5/26/1998, §1)

§21-112. Private Alleys.

1. Alley improvements may involve the removal and replacement of the roadway surface, improvement of drainage facilities and storm sewer, and the removal of trees and brush located within the easement area.

2. After the improvement is completed and the assessment is levied, adjacent homeowners shall continue to be responsible for care and maintenance of the improvement. (Ord. 18-1998, 5/26/1998, §1)

§21-113. Appeal.

Any person against where land is a special assessment is levied under this Section may appeal in a manner pursuant to 53 P.S. §1722.

(Ord. 18-1998, 5/26/1998, §1)

§21-114. Waivers of Notice and Hearing.

The Council may, without notice or hearing, levy and assess the whole or any part of the cost of any public works improvement as a special assessment upon the property benefited whenever notice and hearing is waived in writing by all property owners affected by such a special assessment.

(Ord. 18-1998, 5/26/1998, §1)

§21-115. Definitions.

As used in this Part, certain terms are defined as followed:

ASSESSMENT LEVY - an action by City Council ordinance to establish assessments for benefitted properties and ordering the City to collect such assessments.

DIRECTOR OF PUBLIC WORKS - a professional engineer, registered in the State of Pennsylvania, who has been appointed as the Director of Public Works or the Director of Public Works authorized representative.

FRONT FOOT ASSESSMENT - the length of a parcel of land abutting an improvement usually measured in feet or meters.

PRIVATE ALLEYS - a right-of-way legally described by an easement for the purpose of property access in the delivery of services. The property with which the easement is overlaid is owned and maintained by the adjacent property owners.

PUBLIC WORKS IMPROVEMENT - typical improvements projects for which special assessments are levied include:

- (1) Street and alley construction.
- (2) Curb and gutter installation.
- (3) Sidewalk construction.
- (4) Sanitary sewer installation.
- (5) Storm sewer installation.
- (6) Water main installation.
- (7) Street lights.

SPECIAL ASSESSMENT - charges levied by local government against real property to defray the cost of public works improvements which benefit such property.

(Ord. 18-1998, 5/26/1998, §1; as amended by Ord. 14-2001, 5/29/2001)

1 Sidewalk Construction and Repairs - see Third Class City Code §3001 *et seq.*, 53 P.S. §38001 *et seq.*)

PART 2.

SNOW AND ICE REMOVAL

§21-201. Definitions.

Except as herein otherwise defined, the terms used shall have the meanings ascribed to them in the Pennsylvania Vehicle Code. For the purpose of this Part, the following definitions shall prevail:

BUSINESS DAY - any day not a Sunday or Christmas, Thanksgiving or New Year, but all other holidays shall be considered business days.

BUSINESS HOURS - the hours between 7 a.m. and 9 p.m. on any business day.

DIRECTOR - the Director of Public Works.

PERSON - includes any person, partnership, copartnership, corporation, joint stock company, syndicate, tenant, property owner, real and personal, occupant, lessee or agent in control of any building.

ROADWAY - that portion of a street or highway improved, designed or ordinarily used for vehicular travel, exclusive of the berm shoulder.

SIDEWALK - that portion of a street or highway between the curb lines and the adjacent property lines or where there is no curbing between the lateral lines of the street or highway and the adjacent property lines.

STREET or HIGHWAY - the entire width between curbs or boundary lines of every way publicly maintained when any part hereof is open to the use of the public for the vehicular travel. (Ord. 10-2004, 3/8/2004, §1)

§21-202. Snow and Ice Removal from Sidewalks.

1. Every person in charge or control of any building or lot of land within the City fronting or abutting on a paved sidewalk, whether as owner, tenant, occupant, lessee or otherwise, shall remove and clear away, or cause to be removed and cleared away, snow and ice from a path of at least 36 inches in width and from an area within 36 inches of every fire hydrant on every sidewalk which is in front of or abuts on such building or lot of land; provided, however, that when such sidewalk is located along Penn Street or along North Fifth, North Sixth and North Ninth Streets between Penn Street and Washington Street, snow and ice shall be cleared from all of such sidewalks.

A. Except as provided in subsection .2 hereof, snow and ice shall be so removed from sidewalks in all business districts within the City by 2 business hours after the cessation of any fall of snow, sleet or freezing rain or by the beginning of business hours of the next business day following such fall, whichever period is shorter.

B. Except as provided in subsection .2 hereof, snow and ice shall be so removed from all other sidewalks within the City on the same day of the cessation of any fall of snow, sleet or freezing rain or within the first 4 hours of daylight after the cessation of any such fall, whichever period is longer.

2. However, in the event snow and ice on a sidewalk has become so hard that it cannot be removed without likelihood of damage to the sidewalk, the person charged with its removal shall, within the time mentioned in subsection .1 hereof, cause enough cinder or other abrasive to be put on the sidewalk to make travel thereon reasonably safe; and shall then, as soon thereafter as weather permits, cause a path in such sidewalk of at least 36 inches in width to be thoroughly cleaned. (Ord. 10-2004, 3/8/2004, §1)

§21-203. Snow and Ice Removal from Public Transportation Systems.

Every person operating a public transportation system within the City employing motor buses, trackless trolleys, trains or street cars, shall remove and clear away, or cause to be removed and cleared away, snow and ice from its passenger loading and unloading areas and its tracks, if any. Snow and ice from its passenger loading and unloading areas shall be removed and cleared away within the first 8 hours of daylight after the cessation of any fall of snow, sleet or freezing rain, except that if the snow and ice has become so hard that it cannot be removed without the likelihood of damage to the underlying surface, such operator shall within the 8 hour period, cause enough sand or other abrasive to be put on the passenger loading and unloading area to make walking thereon reasonably safe. He shall then, as soon thereafter as weather permits, cause such area to be thoroughly cleaned. (*Ord. 10-2004, 3/8/2004, §1*)

§21-204. Snow and Ice Removal from Roofs.

Every person in charge or control of any building or other structure within the City, whether as owner, tenant, occupant, lessee or otherwise, shall remove and clear away, or cause to be removed and cleared away, any accumulation of snow and ice on such building or other structure which is liable to fall on any sidewalk, roadway or other public way. Such work shall be completed within a reasonable time, but not later than the end of the first 6 hours of daylight after the cessation of any fall of snow, sleet or freezing rain.
(*Ord. 10-2004, 3/8/2004, §1*)

§21-205. Depositing of Snow and Ice Restricted.

No person shall deposit or cause to be deposited any snow or ice on or against a fire hydrant or on any sidewalk or roadway, or on any loading or unloading area of a public transportation system, except that snow and ice may be windrowed on public roadways, incident to the cleaning thereof or windrowed on curbs incident to the cleaning of sidewalks. (*Ord. 10-2004, 3/8/2004, §1*)

§21-206. Noncompliance; Work by City; Cost Recovery.

1. In the event of the failure of any person to clear away or treat with abrasives and subsequently clear away any snow and ice from any sidewalk, as herein provided, or cause this to be done, the Director may as soon as practicable after such failure, cause such work to be done.
2. The Director shall ascertain and keep a record of the exact cost of all work he causes to be done in accordance with this Section on account of each act or omission of each person, and he shall identify these persons with particularity.

3. Each person whose act or omission makes it necessary that the Director cause work to be done in accordance with this Section shall be liable to the City for the cost of such work plus any additional amount or penalty allowed by law which may be in addition to any fine or penalty imposed under §21-207. It shall be the duty of the City Solicitor to sue for these costs and penalties or place a lien against such person or property as may be in the best interests of the City. (Ord. 10-2004, 3/8/2004, §1)

§21-207. Penalty.

Any person, firm or corporation who shall violate any provision of this Part shall be, upon conviction thereof, sentenced to a fine of not less than \$100 nor more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day such violation is committed or permitted to continue, shall constitute a separate offense and shall be punishable as such hereunder. (Ord. 10-2004, 3/8/2004, §1)

PART 3

CURB, DRIVEWAY, SIDEWALK AND SIDEWALK VAULT STANDARDS AND FEES

§21-301. Curb Permit, Survey and Fees.

1. **Curb Permit Required.** No person, firm or corporation shall set, reset or construct any curb until an application made on City standard form shall have been filed with the

Department of Public Works Permit Office (Room 306, City Hall), a permit issued, the required regulation (survey) completed and the following fees paid.

2. Fees for Curb Line Regulation (Survey).

Feet Fee

0 to 24	\$50 <u>\$120</u>
25 to 49	\$80 <u>\$135</u>
50 to 99	\$100 <u>\$150</u>
100 to No Limit	\$100 <u>\$150</u> for 100 feet plus \$0.50 <u>\$1.40</u> a foot for every foot over 100 feet.

~~Second, Third and Fourth~~

~~Side~~

~~Repeat Rate~~

The above charges include the establishment of curbing alignment and elevation.
(Ord. 30-1992, 4/8/1992; as amended by Ord. 14-2001, 5/29/2001)

§21-302. Street Restoration Fees; Waiver Ahead of Paving.

1. **Street Restoration Fees.** Along with, and in addition to, the regulation (survey) charge, the applicant shall pay a fee of ~~\$3~~ **\$16** for each linear foot of curb proposed to be constructed or reconstructed as payment for street surface repair. Where both curb and a 2 feet wide gutter are being replaced with standard curb, the fee shall be ~~\$6~~ **\$32** per linear foot. Damage to the street surface extending more than ~~9 inches~~ **1 foot** into the cartway for standard curb construction, or 2 feet for curb and gutter replacement shall be billed to the permittee on the basis of time and material required.

2. **Restoration Fee Waiver Ahead of Paving.** Where a street is scheduled for resurfacing or reconstruction in the current calendar year, the City may allow the contractor to backfill the trench to the street surface, including the application of 2 inches of compacted bituminous stockpile mix cover, and maintain it until the City operation begins, in lieu of payment of the restoration fee. To be eligible for the ahead of paving allowance, the contractor shall complete all work and remove all forms and equipment prior to the beginning of street resurfacing or reconstruction. Failure to properly maintain the trench or remove all forms and equipment as required shall be cause for the City filing streets restoration charges and/or other damages against the permittee/contractor as appropriate. Permits issued to include the ahead of paving allowance will be so marked.
(Ord. 30-1992, 4/8/1992)

§21-303. Curb Construction Requirements.

1. When excavating for curb construction or replacement, the permittee shall first cut a neat and straight line in the asphalt street paving, parallel to the curb line, with a saw or jack hammer. After excavating and constructing the curb, he shall immediately backfill the trench on the street side with 2A modified stone compacted in six inch layers to within 6 inches of the street surface. The trench on the property side shall also be backfilled immediately after construction but brought to grade and compacted with material similar to that removed. The permittee shall then notify the City Department of Public Works (~~telephone number 320-6237~~) (**telephone number 610-655-6274**) requesting inspection, and barricade the curb cut, including proper lighting, until the City restores the street asphalt surface.
2. When replacing curb constructed as monolithic curb and gutter, the contractor shall remove all curb and gutter encountered and backfill the street as described above.

3. Where the contractor encounters and damages the concrete base of a street when excavating for curb or curb and gutter construction, he shall re-establish the concrete base and/or make other repairs as directed by the Director of Public Works. (Ord. 30-1992, 4/8/1992; as amended by Ord. 14-2001, 5/29/2001)

§21-304. Building Line Survey Permit and Fees.

1. **Building Line Surveys.** No person, firm or corporation shall erect any building, structure or fence on the building line of any street on the topographical survey of the City until an application made on City standard form shall have been filed with the Department of Public Works Permit Office (Room 306, City Hall), a permit issued, a building line survey completed and the following fees have been paid.

2. Fees for Building Line Survey.

First Side: Feet Fee

0 to 24 <u>49</u>	\$50 <u>\$75</u>
25 to 49	\$ 80 (Remove)
50 to 99	\$ 100
100 to no limit	\$100 plus \$0.50 <u>\$1.00</u> a foot for every foot over 100 feet.

Second, third or fourth sides

Repeat rates

The above charges include the establishment of building line and building line elevation.

Note: The City does not establish or confirm property lines between parcels of privately owned real estate.

(Ord. 30-1992, 4/8/1992; as amended by Ord. 14-2001, 5/29/2001)

§21-305. Driveway Permit and Fees.

1. **Driveway Permit.** No person, firm or corporation shall construct or reconstruct any driveway until an application made on City standard form accompanied by three copies of a detailed construction plan shall have been filed with the Department of Public Works Permit Office (Room 306, City Hall), a permit issued and the following fees paid.

2. Fees for Driveway Permits.

A. Fees.

(1) Residential use to 24 feet wide \$ 100.

(2) Commercial/Industrial use to 36 feet wide \$ 200.

(3) Note: Where driveways span a property line and are intended for the joint use of two abutting properties, the permit fee of \$100 shall be charged to

each of the users.

B. Reconstruction of Driveways.

- (1) Reconstruction of an existing driveway no previous permits \$ 50.
- (2) Reconstruction of an existing driveway previous permit on file \$5 \$50
(Ord. 30-1992, 4/8/1992; as amended by Ord. 14-2001, 5/29/2001)

§21-306. Sidewalk Vault Permit, Liability Agreement and Fee.

1. **Vaults Under Sidewalks; Permit and Liability Agreement.** No person, firm or corporation shall construct any vault, areaway, basement stairs or other structure under the sidewalk area until an application made on City standard form accompanied by two sets of construction plans shall have been filed with the Department of Public Works Permit Office (Room 306, City Hall), a liability agreement executed, a permit issued and the following fee paid:

- A. Fee for each vault, areaway, basement stairs or structure \$200.
2. Plans required to accompany applications shall include all dimensions and particulars of construction along with an analysis signed and sealed by a registered professional engineer, licensed in the State of Pennsylvania, confirming the bearing capacity and structural soundness of the sidewalk over the vault, areaway, basement stairs or other structure.
3. The applicant is also required to enter into an agreement with the City, as prepared by the City Solicitor, acknowledging the duties and responsibilities of the permittee. The cost of recording such agreement to be paid by the permittee.
(Ord. 30-1992, 4/8/1992; as amended by Ord. 14-2001, 5/29/2001)

§21-307. Constructing, Repairing or Opening Sidewalks.

1. No person, firm or corporation shall construct, repair or open any sidewalk until an application made on City standard form shall have been filed with the Department of Public Works Permit Office (Room 306, City Hall), a permit issued and the following fee has been paid:

A. ~~Fee for repairing or opening and repairing sidewalk \$ 5~~ for reconstructing existing or constructing new sidewalk \$35

~~B. Fee for constructing sidewalk \$10. (Remove)~~

2. Where in the opinion of the Director of Public Works, the existing curb does not provide adequate control to define the horizontal location or elevation of the proposed sidewalk, or on property where there is no curb available to define sidewalk construction, the applicant shall also be required to obtain a curb regulation as described in this Part.

3. Special attention is called to the Section of the Act of Assembly of May 14, 1909, adopted and confirmed here, which provides as follows:

"All buildings shall be provided with proper metallic leaders for conducting water from the roofs in such manner as shall protect the walls and foundations of such building from injury. In no case shall the water from such leaders be allowed to flow upon the sidewalks, but the same shall be conducted by pipe or pipes to the storm sewer. If there is no sewer in the street upon which such building fronts, then the water from such leaders shall be conducted, by proper pipe or pipes, below the surface of the sidewalk to the street gutter."

4. The construction and installation of all rain leaders or stormwater piping shall also comply with all requirements of the City Plumbing Code [Chapter 5, Part 2]. (Ord. 30-1992, 4/8/1992; as amended by Ord. 14-2001, 5/29/2001)

§21-308. Excavations.

1. Pennsylvania Law Act No. 172, effective June 10, 1987, 73 P.S. §176 *et seq.* places safety responsibilities on contractors when they excavate, demolish or blast. The City requires that its permittee's comply with this Act as a condition of issuance of its permits.

2. All work shall be conducted so as not to interfere with the water mains, sewers or their connection with houses until permission from the proper authority shall have been obtained.

3. During construction, excavated material shall be so confined so as not to impede traffic or be carried into any adjacent highways and all surplus materials must be removed at the earliest possible time. (Ord. 30-1992, 4/8/1992)

§21-309. Time Limit and Extension Request.

1. In case the work has not been completed before the date of expiration shown on the permit, the Director of Public Works may, arrange to complete the work and charge the cost thereof against the permittee. If an extension of time is requested for the completion of the work, written application for an extension of time must be filed and if an extension is granted, an additional fee of \$10 shall be charged therefore.

2. The Director of Public Works reserves the right to refuse the issuance of permits from November 1 to April 1, unless directed by Council to grant such permits. (Ord. 30-1992, 4/8/1992; as amended by Ord. 14-2001, 5/29/2001)

§21-310. Notice of Sidewalk Opening to Department of Public Works.

1. The ~~Director of (Remove)~~ Public Works Office (~~telephone number 320-6237~~) (telephone number 610-655-6073) shall be notified when an opening in the sidewalk is to be made, and shall be further notified when the opening is to be backfilled and completed so that proper orders may be issued for the inspection thereof.

2. The opening shall be properly barricaded, lighted and protected by the permittee, who shall be liable for any injury or damage resulting from his negligence.

3. In case of emergency, the Director of Public Works Office shall be notified and work commenced immediately. The owner or responsible party shall file the necessary permit application with the Department of Public Works Permit Office (Room 306, City Hall) within 48 hours of beginning work.

(Ord. 30-1992, 4/8/1992; as amended by Ord. 14-2001, 5/29/2001)

§21-311. Work to Conform to City Requirements and Standards.

Work shall be done at such time and in such manner as shall be consistent with the safety of the public and shall conform to all requirements and standards of the City. If at any time it shall be found by the City that the work is not being done or has not been done as required, the permittee shall immediately take the necessary steps, at his own expense, to place the work in condition to conform to such requirements or standards. In case any dispute arises between the permittee and the City Inspector, the City Inspector shall have the authority to suspend work until the question at issue can be referred to and be decided by the Director of Public Works.

(Ord. 30-1992, 4/8/1992; as amended by Ord. 14-2001, 5/29/2001)

§21-312. Adoption of Construction Plan Standards.

1. The following City plans including all drawing and written specifications contained thereon are hereby adopted as City construction standards for the items described.

2. The City reserves the right to require that construction on public or private sidewalks within the City conform to these standards.

Description Plan Number

Plan of drive-in across Sidewalk	5371
12 inch trench drain	5371A
Side outlet area drain	5371B
8 inch tangent and circular cement concrete curb	5389A
Cement concrete sidewalk	5389C
Construct or reset granite curb	5389G
Construct or reset brick Sidewalk	5389H
Pedestrian curb ramp	5442A
Pedestrian curb ramp	5442B

(Ord. 30-1992, 4/8/1992)

§21-313. Penalty Costs.

Any person, firm or corporation who breaks or cuts in any manner the surface of any sidewalk, removes curbing and/or sidewalk or does construction between the building and curb line of any street in the City without having first obtained the proper permit, or who violates any of the requirements of this Part, shall upon conviction thereof, sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day in which a violation shall occur or continue may be deemed a separate offense. In addition to the penalties provided herein, the City may recover attorney's fees, court costs and other expenses of litigation by appropriate suit at law against the person found to have violated this Part or the orders, rules, regulations and permits issued hereunder.

(Ord. 30-1992, 4/8/1992; as amended by Ord. 14-2001, 5/29/2001)

2Power to Regulate and License - see Third Class City Code §2650, 53 P.S. §37650.

PART 4

COMMERCIAL DRIVEWAYS

§21-401. Definitions.

As used in this Part, certain terms are defined as follows:

COMMERCIAL PARKING LOT - sometimes referred to hereinafter as an "off-street parking facility" means an area of vacant land set aside or used for off-street parking of automobiles or other vehicles on any time basis for which a fee is charged by the owner or operator to the users of such facility.

OWNER - the owner of the land on which the off-street parking facility is located. [Ord. 41-1969]

OPERATOR - such person, firm, corporation, partnership or any business or other entity

whether as lessee or owner who lets or rents an off-street parking facility on a time basis

and for a fee. [Ord. 41-1969]

PERMANENT USE - any use as a commercial parking lot for more than 1 year

TEMPORARY USE - any use as a commercial parking lot for 1 year or less.

(Ord. 11-1968, 2/28/1968, §1; as amended by Ord. 41-1969, 8/20/1969, §1)

§21-402. Paving, Grading and Drainage Regulations.

1. All permanent commercial parking lots shall be paved with concrete or bituminous surface course or other hard surface in accordance with plans to be

approved by the Director of Public Works so as to prevent dust and dirt to the greatest possible extent.

2. All temporary commercial parking lots shall be paved with crushed stone, slag or other semi-permanent surface of a similar nature in accordance with plans to be approved by the Director of Public Works.

3. All commercial parking lots shall be so graded and provided with such drains or gutters as shall prevent the accumulation and retention of surface water thereon, and such drains or gutters shall be installed in accordance with plans to be approved by the Plumbing Inspector. (Ord. 11-1968, 2/28/1968, §2; as amended by Ord. 14-2001, 5/29/2001))

§21-403. License Required; Application and Fee.

1. On or after the effective date of this Part, all commercial parking lots shall be required to be licensed by the City, except any commercial parking lot owned and operated by the City. The annual fee for such license shall be \$5 per space with a \$25 minimum fee. Licenses shall be obtained at the office of the Building Inspector. [Ord. 41-1999]

2. There shall be two categories of licenses for commercial parking lots; permanent and temporary, in accordance with the character of the off-street parking facility. No license for a permanent commercial parking lot shall be granted unless the provisions of §21-402(1) and (3) have been complied with. No license for a temporary commercial parking lot shall be granted unless the provisions of §21-402(2) and (3) have been complied with. Temporary licenses shall not be renewable unless the owner or operator can show that the denial thereof would create an unnecessary economic hardship.

3. All applications for licenses shall be addressed to the Building Inspector; shall state the nature of the license sought; shall contain the location of the off-street parking facility, the approximate area thereof, the number of automobiles or other vehicles that can be parked or accommodated; and the nature and kind of surfacing on the premises.

(Ord. 11-1968, 2/28/1968, §3; as amended by Ord. 144-1990, 10/17/1990, §1; and by Ord. 41-1999, 12/27/1999, §1)

§21-404. Violation.

1. Any person who operates, or any owner or lessee of land, whether it be an individual, partnership or corporation, who permits land owned or leased by it to be operated as a commercial parking lot, within the definition of this Part, without first having obtained the license required under §21-403 shall be deemed guilty of a violation of this Part.

2. Each day of such continued operation without such license shall be deemed and regarded as a separate and distinct violation of this Part.
(*Ord. 11-1968, 2/28/1968, §4*)

§21-405. Penalty.

Whoever operates a commercial parking lot, without first having obtained a license, as provided in this Part, on or after March 1, 1968, and whoever violates or fails to comply with the provisions of this Part shall be, upon conviction thereof, sentenced to a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, shall be imprisoned for not more than 30 days.
(*Ord. 11-1968, 2/28/1968, §5; as amended by Ord. 14-2001, 5/29/2001*)

3 Power to Regulate Projections and Encroachments - see Third Class City Code, §2403, 53 P.S. §37403(17).

Power to Require Sidewalk Construction and Repair - see Third Class City Code, §3001, 53 P.S. §38001.

City to Construct on Failure on Owner - see Third Class City Code §3002 *et seq.*, 53 P.S. §38002 *et seq.*

Emergency Repairs - see Third Class City Code, §3003 *et seq.* 53 P.S. §38003 *et seq.*

PART 5

SIDEWALKS AND CURBS

§21-501. Permit Required for Curb and Sidewalk Work.

No person, firm or corporation shall set any curbing, set any building, open any sidewalk, lay new sidewalk or relay old sidewalk or construct any vault under a sidewalk, until a permit has been obtained from the Director of the Department of Public Works. The Director is authorized and directed to establish such rules and regulations, as he deems necessary, for the proper control of the operations permitted relative to the issuance of such permit, subject to the approval of Council. (*Ord. 42a, 2/11/1914, §1; as amended by Ord. 14-2001, 5/29/2001*)

§21-502. Permit Application.

Any applicant for a curb and sidewalk work permit shall first make written application to the Director of Public Works for a permit, setting forth the location where such work is desired and the purpose thereof.
(*Ord. 42a, 2/11/1914, §3; as amended by Ord. 14-2001, 5/29/2001*)

§21-503. Sidewalk Widths for Public Streets.

When any street or alley which now or hereafter is laid out, opened and dedicated to the public use, according to law in the City, it shall be the duty of

the owners of lots or real estate abutting thereon, and they are hereby required upon notice from the Director of Public Works to construct sidewalks on each side of such street or alley, at their own expense, for the safety and convenience of the public, of the following width:

Street Name or Width (Ft.)	Sidewalk Width (Ft.)
Penn St. from Fourth to Sixth Sts.	22
80	16
60	13
50	10
40	8
30	6.5
20	2

The roadway of every street or alley shall remain as a passage way for vehicles and shall have a gutter on each side thereof. However, on front of vacant lots, a sidewalk of a width of 5 feet shall be deemed sufficient, which sidewalk shall be laid 2 feet from the curb line. (*Ord. 25-1889, 6/28/1889, §1; as amended by Ord. 14-2001, 5/29/2001*)

§21-504. Specifications for Paving Sidewalks and for Curbing.

Sidewalks shall be constructed and laid either with cement, bricks or dressed flat stones, and shall be secured with curbstones along the outside thereof, in manner as hereinafter prescribed, and according to the regulations of the City, sidewalks shall have a pitch of $\frac{3}{8}$ of an inch to the foot, from the front line of the house or lot to the curb, and the cement bricks or flatstone used for laying or paving any sidewalk shall not be less than 2 inches in thickness. The flatstone shall be square blocks with an even surface on the top and closely joined to the curbs and to each other. The curbstones required to support such sidewalks shall be cut granite, sand, blue or limestones, and shall not be less than 20 inches in width, with an even bottom. Each stone shall be not less than 3 feet 6 inches in length, and the thickness thereof shall be not less than 4 inches. In streets of a width of 20 feet and less, curbstones 16 inches in width and 3 inches in thickness may be used. Sidewalks shall be laid in good sand of not less than 8 inches in depth and shall be excavated and filled with cinder to a depth sufficient to protect the same from frost. In all cases where the street pavement is constructed and composed of the following improved street pavements: granite block, asphalt block, sheet asphalt and vitrified brick, the curbing used in and along all of such properties abutting on such improved pavements shall consist of granite curbing of not less than 5 inches, 20 inches in depth and 4 feet in length. The curbing shall be properly faced and jointed, set in a firm bed of not less than 6 inches of sand,

gravel or such material as the Director of Public Works shall approve and backed up to the top of the stone by not less than 4 inches of the same material, except that the use of concrete is permitted in lieu of granite for the construction of curbs set to the lines of circular arcs for the rounding of street intersections as provided by §21-513(1). (*Ord. 23-1954, 4/28/1954, §1; as amended by Ord. 14-2001, 5/29/2001*)

§21-505. Notice to Recurb and Relay Sidewalks.

It shall be the duty of the owners of lots or real estate abutting any street or alley to recurb, repave or relay the sidewalks whenever authorized by Council and when required upon notice from the Director of Public Works. (*Ord. 25-1889, 6/28/1889, §3; as amended by Ord. 14-2001, 5/29/2001*)

§21-506. Sidewalks for Dedicated Streets.

When any street which now or hereafter is opened in the City over any private land by the owners thereof, and is dedicated to or permitted to be used by the public, it shall be the duty of the owners of lots or real estate abutting thereon, and they are hereby required upon notice to construct and maintain sidewalks on each side of such street at their own expense, in such manner as is prescribed for sidewalks upon the public streets by §21-503 under the supervision and direction of the Director of Public Works. (*Ord. 25-1889, 6/28/1889, §4; as amended by Ord. 14-2001, 5/29/1001*)

§21-507. Paving and Repair of Driveways Required.

When any driveway crosses the sidewalk of any street or alley, within the City, for the purpose of passing to and from such street or alley to any lot or building, it shall be the duty, and it is hereby required, upon notice from the Director of Public Works that the owners of lots abutting or adjoining such street shall pave and curb the same, at their own expense, in such manner as the Director shall require, and keep the same in repair. (*Ord. 25-1889, 6/28/1889, §5; as amended by Ord. 14-2001, 5/29/2001*)

§21-508. Duty of Owner to Construct and Repair at Own Expense.

Owners of property abutting on any public street shall, at their own expense, construct, pave, curb, repave and recurb the sidewalks and keep the same in good repair along such property. (*Ord. 37-1914, 6/24/1914, §1*)

§21-509. Work by City for Failure to Comply with Notice.

Upon failure of any owners to construct, pave, curb, repave or recurb sidewalks or keep the same in good repair within 10 days after written notice by the

Director of the Department of Public Works the works shall be done forthwith by the City of Reading, and the expense thereof, with costs, shall be levied and collected from such owners according to law.

(Ord. 37-1914, 6/24/1914, §2; as amended by Ord. 14-2001, 5/29/2001)

§21-510. Cost Collection by Action at Law or Filing Lien.

The amount of expense so levied shall be a lien upon such premises from the time of the commencement of the work by the City. Such date shall be fixed by the Director of Public Works and filed with the City Clerk, and may be collected by action at law or a lien may be filed and proceeded in according to law.

(Ord. 37-1914, 6/24/1914, §3; as amended by Ord. 14-2001, 5/29/2001)

§21-511. Concrete Curb Specifications.

Concrete curbing shall be permitted to be constructed along the sidewalks of the City and the material used in such construction shall be as follows:

A. Excavations shall first be made to a depth not less than 2 feet 6 inches from the top of the finished curb and in width not less than 1 ¼ times the width of the curb on the top surface thereof, when finished.

B. The materials thereof, which shall be of a quality satisfactory to the Director of Public Works and the Director of the Department of Public Works, shall consist of American Portland cement, clean sharp sand, and crushed stone or slag which shall be hard, clean and free from dust or earth, run of the crusher, not exceeding 1 inch in its largest dimension.

C. The proportions of mixture for concrete shall not be less than one part of cement, three parts of sand and five parts of crushed stone or hard slag and for mortar for the finishing coat, not less than one part of cement and no more than two parts of sand.

D. The mixing, if done by hand labor, shall consist of first mixing the cement and sand dry until a uniform color of mixture is secured, after which the crusher stone shall be added, then wetted and turned over until every particle is thoroughly coated with mortar. Sufficient water shall be used, so that only moderate tamping is required after the concrete is placed, if done by machine the method shall be approved by the Director of Public Works.

E. The mortar for the surface or finishing coat shall be applied with the concrete itself by exercising care in placing the concrete against the forms employed so as to push back the larger particles in the mixture by use of a wide pronged fork, and by tamping the large particles down gently below the top surface. Any small quantity of mortar that may be required for the finishing, shall be applied while the concrete is wet and only enough to smooth the surface.

(Ord. 48a, 2/25/1914, §1; as amended by Ord. 14-2001, 5/29/2001)

§21-512. Curb Thickness and Width.

1. No concrete curbing shall be less than 8 inches on the top thereof, nor the thickness from the bottom of excavation to the grade line of the street less than 9 inches, where the top does not exceed 8 inches. It is the intent and meaning of this Section that the thickness of the concrete shall in all cases be determined by the width of the top of the curb when finished, and that the bottom of excavation to the grade line of the street, it shall not be less than 1 ¼ times that of the top of curb as aforesaid.

~~2. The top width of the concrete curbing on streets more than 60 feet wide shall not be less than 8 inches and on all other streets shall not be less than 6 inches and shall be in conformity with the plan on file in the office of the Director of Public Works marked "Cement Concrete Curb" attached hereto and made part of this Section. (Ord. 48a, 2/25/1914, §§2,3; as amended by Ord. 14-2001, 5/29/2001)(Remove)~~

§21-513. Radius Curbs.

1. All new curbs set and all curbs reset at intersections or projecting angles of streets shall be set or reset to the lines of circular arc, tangent to curb lines, of the greatest radii possible that will not reduce the width of the sidewalk at any point to less than that of the sidewalks of the lesser widths. The curb opposite the projecting angle shall have a circular arc tangent to curb lines of the greatest radius possible, that will not reduce the width of the roadway at any point to less than that of the roadway of lesser width. [Ord.9-1923]

2. The radii of all curbs reset at intersections of streets where traffic regulations do not permit vehicular traffic to turn corners, shall be determined by the Director of the Department of Public Works with the approval of the Director of Public Works. This subsection shall apply only as long as traffic regulations do not permit such vehicular traffic turns, otherwise subsection (1) hereof shall apply and shall remain in full force and effect. [Ord. 17-1955]
(Ord. 9-1923, 2/7/1923, §1; as amended by Ord. 17-1955, 5/25/1955, §§1, 2; and by Ord. 14-2001, 5/29/2001)

§21-514. Projecting Porches, Areaways or Steps; Cellar Doors.

1. No person, firm or corporation shall make or set up or cause to be made or set up or reset on Penn Street, any porch, areaway or step, which shall extend beyond the building line as fixed by the topographical survey of the City of Reading.

2. No person, firm or corporation shall make and set up or cause to be made or set up or reset areaways extending beyond the building line of Walnut Street, Washington Street, Penn Street, Franklin Street and Chestnut Street from Front to

Eleventh Streets and on Front, Second, Third, Fourth, Fifth, Sixth, Seventh, Eighth, Ninth, Tenth and Eleventh Streets from Chestnut to Walnut Streets in the City as fixed by the topographical survey of the City of Reading.

3. It shall be unlawful to erect, reset, repair, use and maintain cellar doors extending beyond the building line of Walnut Street, Washington Street, Penn Street, Franklin Street and Chestnut Street from Front to Eleventh Streets, and on Front, Second, Third, Fourth, Fifth, Sixth, Seventh, Eighth, Ninth, Tenth and Eleventh Streets from Chestnut to Walnut Streets in the City of Reading, until a permit for such cellar door has first been obtained from the Department of Public Works subject to the following limitations, restrictions and conditions which shall be prescribed by the Director of Public Works

A. No permit will be issued for the setting, resetting or repairing of any cellar door on the above listed streets until there has been executed a vault or areaway agreement covering the vault or passage way under the sidewalk leading to such cellar door.

B. No permit will be issued for the setting, resetting or repair of any cellar door on the above listed streets until the property owner files with the City Clerk a public liability bond of \$10,000 to \$20,000 limit, naming the City as a party assured. Such bond shall be kept in force as long as the cellar door remains in existence.

C. Plans of proposed construction shall be submitted by the property owner, showing location and type of construction of vaults and cellar doors, which shall be approved by the Director of the Department of Public Works, and the Director of Public Works prior to the issuance of any permit for such work.

D. Not more than one cellar door for each property shall be permitted on sidewalks of the above listed streets.

E. All cellar doors shall be of steel, no larger than 4 feet by 5 feet flush with sidewalk grade and have no projections or depressions beyond the uniform grade of sidewalk, except those necessary to produce a nonskid surface. They shall be arranged so they can be opened and closed only from the outside or sidewalk area, and shall be provided with approved guards to protect pedestrians during the entire period the doors are not firmly closed.

F. The nearest edge of new cellar door construction shall be at least 3 feet from the center line of any fire hydrant and at least 3 feet from the building line of any intersecting street.

G. Cellar doors and vault covers shall be designed for a concentrated live load of 800 pounds or for a uniform distributed live load of 250 pounds per square foot over the entire area, whichever produces the greatest stress. Top slabs shall be of a minimum thickness of 6 inches of reinforced concrete even though a more shallow depth will resist the design stresses.

H. Repairs to existing cellar ways or sidewalks of the above listed streets may be made by installing new steel cellar door frames and doors at present locations.

I. The use of cellar doors at all times shall be subject to regulations by the Department of Police. (*Ord. 32-1953, 11/18/1953, §§1-3; as amended by Ord. 14-2001, 5/29/2001*)

§21-515. Openings in Sidewalk to be Covered or Guarded.

All owners or property which have an underground alley or open passageway occupying a portion of the City sidewalks shall have the same protected or guarded by a covering of substantial material, or guarded in order to avoid danger likely to arise by reason of such openings being unguarded. (*Ord. 25-1889; 6/28/1889; §1*)

§21-516. Penalty.

1. Whoever violates any provision of this Part where another penalty is not otherwise provided shall be, upon conviction thereof, sentenced to a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days.

2. Whoever violates any provision of §21-514 shall be, upon conviction thereof, sentenced to a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days and shall forthwith remove or cause such porch, step, areaway or cellar door to be removed. (*Ord. 42a, 2/11/1914, §4; as amended by Ord. 32-1953, 11/18/1953, §4; and by Ord. 14-2001, 5/29/2001*)

PART 6

RADII OF CURB LINES AT STREET INTERSECTIONS

§21-601. Radii Established.

1. The following radii be established for intersections of curb lines to minimize danger and avert congestion of traffic.

2. The radii of the circular areas of curb lines connecting the adjoining straight or tangent curb lines at points of projected intersection, in all cases shall be those of tract circles and the lengths of such radii to be governed as follows:

A. Curb lines which intersect at an angle of 90 degrees or right angel and which are:

(1) Adjacent to sidewalks either of which is greater than 10 feet in width shall be joined at such intersection by a circular arc the radius of which shall be 8 feet.

(2) Adjacent to sidewalks which are between 6 ½ feet and 10 feet, inclusive, in

width, shall be joined at such intersection by a circular arc the radius of which shall be 6 feet.

(3) Adjacent to sidewalks which are between 2 feet and 6 ½ feet, inclusive, in width, shall be joined at such intersection by a circular arc the radius of which shall be 3 feet.

B. Curb lines which intersect at an angle other than 90 degrees or a right angle shall be joined at such intersection by simple circular arcs the radius of which shall be determined as described on plan No. C-77 of the Department of Public Works of the City of Reading, entitled "Plan Illustrating Rule for Determining Curb Radii," dated April, 1916, which shall be on file in the office of the Director of Public Works. (Ord. 43-1916, 5/13/1916, §1; as amended by Ord. 14-2001, 5/29/2001)

§21-602. Conformance.

From and after the passage of this Part, all new curbs set and all curbs reset shall conform to said radii. (Ord. 43-1916, 5/13/1916, §2)

PART 7

STREET OCCUPANCY PERMITS

§21-701. Purpose.

No person, firm or corporation shall break the pavement or surface of any legally open street, between the curb lines thereof, until a permit is obtained from the Department of Public Works, Division of Engineering. (Ord. 7-2004, 2/23/2004, §2)

§21-702. Application.

1. Applications to break the pavement or surface of any legally open streets shall be made on the form provided by the Division of Engineering, shall include all information requested and shall be signed by the applicant.

2. Applications shall also be accompanied by a permit fee of \$10 and a payment to defray the cost of street restoration by the City of Reading in accordance with the following listing unless otherwise stipulated.

Street Class	Proposed Fee Not	Proposed Fee for Each
	To Exceed 5 SY	Additional Square Yard
		Over 5 SY
Class A	\$120	\$60
Class B	\$120	\$60
Class C	\$100	\$50

Class D	\$40	\$20
Class E	\$40	\$20

**Proposed Fee Not
to Exceed 5 S.Y.**

\$140/s.y.

**Fee for Each
Additional Square**

Yard Over 5 S.Y. **\$110/s.y.**

(Ord. 7-2004, 2/23/2004, §§3, 4)

§21-703. Charged Surface.

In computing the square yards of the surface to be charged, 9 inches shall be added to all sides of the proposed cut. All fees and charges shall be paid or a legally binding letter of agreement accepted by the City before the issuance of the requested permit. (Ord. 7-2004, 2/23/2004, §5)

§21-704. Permits for Pavement Cuts.

Permits for pavement cuts on streets paved within 5 years from the date of application for the cut shall be issued at the following additional costs; 100 percent additional for the current year and the first year; 80 percent additional second year; 60 percent additional for third year; 40 percent additional for fourth year; and 20 percent additional for the fifth year of service. (Ord. 7-2004, 2/23/2004, §6)

§21-705. Site Conditions.

Where in the opinion of the City Engineer and at his sole discretion site conditions are such that additional effort is required to protect the integrity of the City's streets, the permittee may be required to perform additional work and pay additional costs. This option could include permanent restoration of the street surface by the applicant along with payment of all above stipulated fees and charges; or the reconstruction and/or street break or cut at the permittee's expense. Where additional work is required a legally binding "letter of agreement" acceptable to the City shall be provided by the applicant before issuance of the permit. (Ord. 7-2004, 2/23/2004, §7)

§21-706. Inspection.

Upon inspection, if it be determined that the applicant actually removed, disturbed or damaged, either in the initial or subsequent restoration, an area of yardage greater than that set forth in his/her application, the applicant shall

forthwith pay a proportionate amount to be fixed by the Department of Public Works, Division of Engineering within 3 days after demand thereof shall be made in writing. (Ord. 7-2004, 2/23/2004, §8)

§21-707. Permits.

No permit shall be issued to any person, firm or corporation indebted to the City because of any previous application or permit. This permit is issued subject to all Ordinances of the City of Reading, all State and Federal laws and to the following conditions:

A. Bore Holes. Bore holes will be considered street cuts and a charge of \$5 will be levied for each bore hole made. A permit will be required for each bore hole grouping. The applicant shall plug or seal bore holes, in a manner and with materials approved by the City Engineer, to the street surface within 30 days of boring. If the applicant does not plug or seal these holes within the given time, the City of Reading reserves the right to take any steps deemed necessary to repair the street and the associated costs shall then be paid by the permittee.

B. Emergency Cuts. Emergency street cuts and excavation required to access leaking utility mains or other installations that pose a potential hazard, or bore holes required to search out threatening conditions, may be made in advance of a permit at the discretion of the party or parties conducting the investigation and repairs. If the investigation indicates an emergency condition exists, the City's Police Division shall be notified immediately at (610) 655-6111, otherwise, an authorized representative of the responsible party(s) shall notify the Department of Public Works, Division of Engineering, at (610) 655-6237 the next business day, and proper application accompanied by appropriate fees or a legally-binding letter of agreement shall be submitted to the City within 7 days of commencing the work.

C. Ahead of Paving Permit. Permits for street cuts performed in advance of City of Reading scheduled street improvements at the same location, where the required work is completed in accordance with a schedule approved by the City Engineer, will be charged at the rate of \$10 per block and/or street intersection. A detailed construction plan must accompany each application for an "Ahead of Paving Permit." Excavation, backfilling and temporary street cut restoration will be performed by the permittee at his/her cost as directed by the City Engineer.

D. Subsurface Plans. Upon completion of work, the permittee shall furnish to the City Engineer completely dimensioned plans showing accurately and distinctly, and in such detail as required, the size, shape and kind of structure he/she has installed or altered and its location with reference to the street surface and the nearest curb line and curb intersection. No refunds will be allowed until such plans have been furnished and accepted.

E. Time Limit. In case the work has not been completed on or before the date as shown on the permit, the City Engineer may, if he deems it advisable, take steps to backfill the trench and replace a permanent pavement over the opening for which the permit had been issued. If an extension of time beyond said date is necessary for the completion of the work, a written application therefore must be filled, and if an extension be granted, an additional fee of \$10 per month, or a fraction thereof, will be charged.

F. Excavation; Notice. Pennsylvania law (Act No. 172, effective June 10, 1987)

requirements of this Act and the City of Reading permits issued where this obligation has not been met shall be deemed null and void.

G. Trenches in paved areas shall be cut to a neat edge using an asphalt/concrete

